



APR 16 00
Expedited Processing under
37 C.F.R. § 1.116

ATTORNEY'S DOCKET NO.: 2001796-0006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bramley *et al.*
Serial No.: 09/698,579
Filed: October 27, 2000
For: TREATMENT OF STAPHYLOCOCCUS INFECTIONS

Examiner: Navarro, Albert, Mark.
Art Unit: 1645

Box AF
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

TRANSMITTAL LETTER

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In response to the Final Office Action mailed by the United States Patent and Trademark Office on February 13, 2003, for the above-identified application, the following documents are submitted:

1. Response to Office Action Under 37 C.F.R. § 1.116 (3 pp.); and
2. Return Postcard.

If any additional fees are required to be paid or if any overpayment has been made, please charge same to Deposit Account No. 03-1721.

Respectfully submitted,

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Dated: April 14, 2003

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231
on April 14, 2003
Kathy Hart Gagnon



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11/A (set)

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Sir:

RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. § 1.116

In reply to the Examiner's Final Action that was mailed in the above-captioned case on February 13, 2003, Applicant submits the following Remarks. Please note that since April 13, 2003 falls on a Sunday, this Response, filed on the next business day, Monday, April 14, 2003, is deemed filed within two months of the mailing of the Final Office Action.

Remarks

Claims 1-3 are pending in the application. Claims 32-49 were rejected under 35 U.S.C. § 102. All rejections and objections raised in the Office Action are addressed individually below.

Rejection Under 35 U.S.C. § 102(e)

Claims 1-3 were rejected as being anticipated by Brockaert *et al.* (U.S. Patent No. 5,824,869). The Examiner stated that Brockaert *et al.* disclose DNA encoding anti-microbial